

The Honorable J. Kelley Arnold

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DIANN LAUREL HIEBERT, CLYDE MARK)
MATTHEWS JR., individually and on behalf of) No. C06-5489JKA
all persons similarly situated,)
Plaintiffs,) STIPULATION AND ORDER
v.) OF DISMISSAL
WAL-MART STORES, INC., a Delaware)
Corporation Licensed to do Business in)
Washington State,)
Defendant.)

Pursuant to FRCP 41(a)(1), Plaintiffs Diann Laurel Hiebert and Clyde Mark Matthews, Jr., by and through their counsel of record, Thaddeus P. Martin and Karl Williams, and Defendant Wal-Mart Stores, Inc., by and through its counsel of record, Michael J. Killeen and Amy H. Pannoni of Davis Wright Tremaine LLP, stipulate to the dismissal of this action with prejudice, with each party bearing their or its own costs and attorneys' fees.

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**STIPULATION AND ORDER OF DISMISSAL
(C06-5489JKA) — 1**

DWT 2350835v1 0031150-000125

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DATED this 11th day of April, 2008.

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Wal-Mart Stores, Inc.

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I. ORDER

This matter came before the Court pursuant to the foregoing stipulation. Based on the Court's review of the stipulation, and the Court being otherwise fully advised, now, therefore, it is hereby

ORDERED, ADJUDGED, and DECREED that: (1) all claims in this action are **dismissed with prejudice**; and (2) each party shall bear his, her or its own costs and attorneys' fees.

DONE this 15th day of April, 2008.

/s/ J. Kelley Arnold

Honorable J. Kelley Arnold
U.S. DISTRICT COURT MAGISTRATE JUDGE

Presented by:

**Davis Wright Tremaine LLP
Attorneys for Defendant**

By s/Michael J. Killeen
Michael J. Killeen, WSBA #
Amy H. Pannoni, WSBA #31824

Approved as to Form;
Notice of Presentation Waived:
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**STIPULATION AND ORDER OF DISMISSAL
(C06-5489JKA) — 3**

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